

REMARKS

Claims 9 to 16 and 18 to 30 and 35 to 53 and 77 to 104 are in the case..

On December 2, 2008 the undersigned Horst M. Kasper left a voice recording with the telephone recorder of Examiner Ramon Joseph Pierce. In a first telephone conversation on December 3, 2008, the undersigned explained to the Examiner the difficulties presented by the Office Action of November 4, 2008 in view of the election of species requirement mailed on February 11, 2008. The Examiner proposed to look into the matter and to have a second conversation on the same day December 3, 2008. During the second conversation it appeared that the election of species requirement may not have listed all the possible species. It was suggested that a response to the Office Action should point out the problems encountered with the Office Actions.

The Office Action refers to

Response to Amendment

1. The reply filed on 5/9/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Claims 9,15, 27, 35, and 38 has been included as elected claims but does not fully correspond to the elected species of Fig. 5.

The species set forth in the Office Action of February 11, 2008 were Fig. 3, Fig. 4, Fig. 5, Fig. 6, Fig. 7, and Fig. 8. Applicant selected Fig. 5 for initial prosecution in a response dated March 11, 2008.

All the claims were investigated for the features of Figs. 3 to 8. All claims which read on Figs. 3, 4, 6, 7, and 8 were sorted out and the remaining claims were associated with Fig. 5 so that in case of a finding of patentability of claims associated with Fig. 5, a consideration of the claims associated with Figs. 3, 4, 6, 7, and 8 would bring a decision of patentability and that no claim would be left behind. As claims 9, 15, 27, 35 and 38 did not read on anyone of Figs 3, 4, 6, 7, and 8, these claims were joint to the claims associated with Fig. 5.

For example, claims 9,15, 35, discloses placing and testing a coin in a coin acceptance and testing device, and a control unit including a microcomputer and a pseudorandom number generator; claim 27, discloses whereupon a supplemental game is activated upon a trigger value on the first and second entertainment automat, and a branch block "effective game number limit" (39, 71); and claim 38, discloses determining between a 1st and 2nd entertainment automat which will assume master and slave functions, and effectively limiting a number of game rounds being played; however, there are no corresponding figure elements in the elected species of Fig. 5 to the subject matter stated above regarding claims 9,15, 27, 35, and 38.

Note: an exemplary example of the elected species of Fig. 5 seems to be newly added claim 104..


See 37 CFR 1.111.

It appears that Figs. 3, 4, 5, 6, 7, and 8 do not exhaust all the species of the present application.

Reconsideration of all outstanding requirements is respectfully requested.

Entry of the present response is respectfully requested. All claims as submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,
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